

### **REMARKS/ARGUMENTS**

Independent claims 1 and 8 and various claims depending therefrom have been amended. Independent claim 13 and its dependent claims have been cancelled. Support for the amendments to the claims may be found in the specification as filed, for example, in the context of the flow charts of FIGS. 3 and 4.

Amended claim 1 is patentable over the cited art, at least because the cited references nowhere teach or suggest a configuration application that is executed in response to an indication received from a base station based upon detection of a problem by the base station. In this regard, the Office Action contends that U.S. Patent Number 6,687,901 (Imamatsu) teaches this subject matter. However, nothing in Imamatsu anywhere teaches either detection of a problem by a base station. Instead, all the Office Action points to is a software-supply device 50 that can determine whether a software update is desired. This is neither a base station, nor detection of a problem in a portable device. Furthermore, to the extent that the Office Action contends that the recited subject matter is met by Imamatsu performing of a checksum upon a software download, this is done in the memory of the portable device itself and thus in no way is a detection of a problem by a base station. Accordingly, claim 1 and the claims depending therefrom are patentable over the cited art.

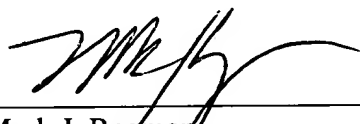
As to claim 8, the cited art similarly nowhere teaches diagnosing a malfunction of a portable device using a base station. In this regard, Imamatsu does not teach this, as discussed above. Nor does U.S. Publication No. 2002/0072359 (Moles), contended by the Office Action to meet this element. In this regard, the Office Action refers to an OTA-MD server 160 of Moles. However, clearly this is not a base station. As such, for at least these reasons claim 8 and the claims depending therefrom are patentable over the cited art.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

Date: \_\_\_\_\_

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Mark J. Rozman  
Registration No. 42,117  
TROP, PRUNER & HU, P.C.  
1616 S. Voss Rd., Ste. 750  
Houston, Texas 77057-2631  
(512) 418-9944 [Phone]  
(713) 468-8883 [Fax]  
Customer No.: 21906